



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN J WALSH,
:
Plaintiff, :
:
- against - :
:
MBB SERVICES, INC. *et al.*, :
:
Defendants. :
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22-CV-2206 (JHR) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the parties' dispute about terms of a confidentiality order as set forth in Dkt. 74. Having considered the parties' arguments, the Court orders as follows:

Paragraph 26 shall read as follows: *No information that is in the public domain or which is already known by the receiving party through proper means or which is or becomes available to a party from a source other than the party asserting confidentiality, lawfully in possession of such information on a non-confidential basis, shall be deemed or considered to be Confidential material under this protective order. The Parties dispute whether information produced by Defendant while unrepresented during investigation should be deemed Confidential. Accordingly, any such material shall initially be deemed Confidential; however, Plaintiff may challenge the Confidential designation of such material, in which instance Defendant will have the burden to demonstrate that the Confidential designation properly applies.*

Paragraph 27 shall read as proposed by Plaintiff. The proposal already encompasses Plaintiff's obligations under federal law; accordingly, there is no need to specifically call out any specific Supreme Court case.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 20, 2023
New York, New York

Copies transmitted this date to all counsel of record.